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OFFICE OF PETITIONS

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In re Application of Stole	:	
Application No. 10/789,108	:	Decision on Petition
Filing Date: February 26, 2004	:	
Attorney Docket No. 10139.31US01	:	

This is a decision on the petition under 37 CFR 1.181, filed June 15, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

This application was held abandoned for failure to timely respond to the final Office action of October 18, 2006, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before January 18, 2007. A Notice of Abandonment was mailed on May 3, 2007.

Petitioner contends a reply was timely filed in response to the final Office action.

A review of the file indicates petitioner's previously mailed reply has been matched with the file. Although the Office physically received the paper on April 23, 2007, the paper contains a certificate of mailing in compliance with 37 CFR 1.8. The certificate of mailing is dated April 18, 2007. Therefore, the reply was timely filed.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office incorrectly charged a petition fee of \$130 to petitioner's deposit account on June 18, 2007. The \$130 has been credited back to the deposit account.

Technology Center Art Unit 3729 will be informed of the instant decision and the examiner will consider the papers filed April 23, 2007, in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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